

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 266 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

UPENDRAKUMAR JEVATLAL JOSHI

Versus

JYOTIBEN SURESHCHANDRA PANDYA

Appearance:

1. Civil Revision Application No. 266 of 1999
MR HR PRAJAPATI for Petitioner No. 1
MR BS PATEL for Respondent No. 1
MRS RANJAN B PATEL for Respondent No. 1
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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. This is a Revision Application under section 115 of the Code of Civil Procedure, which will now be

governed by the said Code as amended by the Code of Civil Procedure (Amendment) Act, 1999.

2. This Revision Application is filed by the applicant who is the original applicant in a Hindu Marriage Petition No. 374 of 1997, filed against the respondent wife, original opponent, for dissolution of the marriage between the parties. The opponent herein, viz. the wife, filed an application at Exh. 8 in the said petition, specifically under section 24 of the Hindu Marriage Act, 1955, for "interim alimony". However, this is to be read and understood as an application for maintenance pendent lite and expenses of the proceedings, inasmuch as it is in this sense that the parties to the proceedings as also the trial Court have understood and treated the said application. The trial Court partly granted the application of the opponent-wife and directed the applicant-husband to pay an amount of Rs.1000/- per month from the date of filing of the application during the pendency of the divorce petition, with a further direction to pay Rs.500/- per month in respect of the minor son, and to pay Rs.2000/- towards the cost of the litigation. It is this order which is the subject matter of the present Revision.

3. It is obvious that the present Revision at the instance of the husband challenging the grant of interim maintenance and costs of litigation in favour of the wife would not be maintainable by virtue of section 115 of the Code of Civil Procedure as amended by the aforesaid amendment Act.

4. This Revision is, therefore, dismissed and rule is discharged, with no orders as to costs. Interim Relief stands vacated.

[Y.B. BHATT, J.]
mathew